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# Public Notice

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**Applicant:**  
Francis P. Chiaramonte

**Date:**  
**Published:**  
**Expires:**

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**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 96-478-0001(3) Section: OH 10 and 404**

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**Application for Permit under Authority of  
Section 10 of the Rivers and Harbors Act of 1899 and  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Francis P. Chiaramonte, 33316 Bonnieview Drive, Avon Lake, Ohio 44012 has requested after-the fact authorization to construct an "L" shaped dock in Lake Erie, located at 33316 Bonnieview Drive, in the City of Avon Lake, Lorain County, Ohio.

The history of this project is as follows: Originally, a simple 12 foot by 24 foot dock was proposed and authorized using a Letter of Permission under Department of the Army No. 96-478-0001(0), but never built. In response to a later request from the applicant to amend the dock size to 15 feet by 30 feet, a modification to the Letter of Permission was granted under Department of the Army No. 96-478-0001(1). This design was also never built. The applicant reevaluated his proposal and determined that more protection was necessary from storms from the west and northwest.

The completed work involved the following:

- a. Construction of one 8 foot by 16 foot and one 10 foot by 16 foot timber crib docks, located side-by-side (paired) and perpendicular to the Lake Erie shoreline.
- b. Construction of one 12 foot by 16 foot timber crib dock, further extending the reach of this structure into Lake Erie.
- c. Construction of an "L" leg which abuts the end of the 12 foot by 16 foot dock and extends eastward, parallel to the shoreline. This structure consists of two 12 foot by 16 foot cribs and one 12 foot by 8 foot crib, installed end to end. See sheet 2 of 3 for details.
- d. The top elevation of this structure is approximately 577.0 feet International Great Lakes Datum (IGLD), 1985. All timber cribs are constructed of oak timbers and filled with quarry limestone or concrete fill with a maximum size of 1-2 tons. A layer of canvas was laid over the fill before a reinforced 10-inch thick concrete cap was poured. Approximately 230 cubic yards of stone and concrete (assuming 35% voids) were placed below the ordinary high water elevation of 573.4 feet IGLD, 1985.

e. A steel platform has been installed and a davit is being placed as superstructures over the shoreward ends of the paired crib docks, a new steel beam structure, and the existing, previously authorized stone revetment. See sheets 2 and 3 of 3 for details.

f. All in-water work was completed before April 15, 2000 to avoid possible impacts to fish spawning activities. The applicant's stated purpose is to provide protected dockage for a pleasure boat.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: Elizabeth.W.Stone@usace.army.mil

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: Elizabeth.W.Stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.